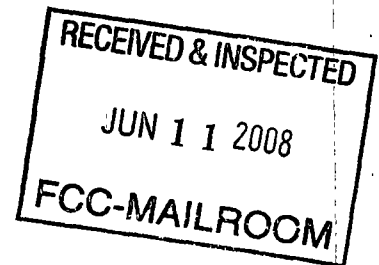


**Fredericksburg Community School District**  
401 East High Street  
P.O. Box 337  
Fredericksburg, IA 50630

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Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

School/Applicant Information:

Fredericksburg Comm Schools  
Theresa Schulz  
PO Box 337  
Fredericksburg, IA 50630  
(563) 237-5364  
(563) 237-5888 (Fax)  
[tschulz@fburg.k12.ia.us](mailto:tschulz@fburg.k12.ia.us)

**SLD ACTION BEING APPEALED: Funding Commitment Decision Letter Dated May 7, 2008**  
**Refer to CC Docket No. 02-6 "Request for Waiver"**

**Fredericksburg Comm Schools**  
**471 Application Number:** 614351  
**Billed Entity Number (BEN):** 132162  
**Funding Year 2008 Form 471 "Postmarked Outside of Window Letter"**  
**Applicant's Form Identifier:** 2008 471/YR 11  
**Funding Request Numbers:** 1764114, 1764123, 1764125, 1764129

In accordance with Sections 54.719 through 54.721 of the Commission's rules, now comes Fredericksburg Public School before the Commission requesting waiver of the Form 471 filing deadline of February 7, 2008. We request this waiver because of personnel who generally works with the E-rate program was also assigned other responsibilities which in turn, the increase in the work load put other projects behind.

On May 7, 2008, the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) issued correspondence to Fredericksburg School District indicating the Form 471 Number 614351 was filed outside the Program Year 2008 funding window and would therefore not be considered for funding. Due to extenuating circumstances, we ask for waiver of program rules and consider this application to be filed within the Year 2008 filing window.

Fredericksburg Community Public School is a small rural school district in Iowa located in the northeast part of the state. The personnel filing the E-rate application added new responsibilities to her current job and in the process and did not allow enough time for the 28 day waiting period of the filing process.

The Commission has noted in numerous decisions that the E-Rate program is relatively complex and responsible personnel are often assigned E-Rate duties on a part-time basis. In some cases, as the situation here before the Commission with this appeal, a personnel emergency precipitated the missed deadline.

In the Bishop Perry Order, FCC 06-54, released May 19, 2006, the Commission stated:

*14. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507 of the Commission's rules.<sup>40</sup> Under Bureau precedent deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 471. We nevertheless find that good cause exists to waive the deadline in these cases. Generally, these applicants claim that staff mistakes or confusion resulted in the late filing of their FCC Form 471s. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts. Even when a school official has learned how to correctly navigate the application process, unexpected illnesses or other family emergencies can result in the only official who knows the process being unavailable to complete the application on time. Given that the violation at issue is procedural, not substantive; we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>42</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.*

The Bishop Perry Order also instructed the Administrator to conduct targeted outreach to inform applicants of program rules and regulations. The Commission also instructed the Administrator to inform applicants that had filed timely Forms 470 but had failed to file Form 470 certifications or subsequent Forms 471 of filing deadlines.

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Unfortunately, Fredericksburg School District did not file a Form 470 in a timely manner and was therefore never the recipient of Commission mandated notification. Further, Fredericksburg School District was not the recipient of targeted outreach during the Year 2008 fund cycle.

**Conclusion**

Fredericksburg Public Schools seeks waiver of Form 471 filing deadline for this application. This funding, while relatively small compared to large school systems, is vital to the effective operation of the Fredericksburg telecommunications network. This application constitutes eligible services procured in accordance with program, state, and local regulations and in no way wastes program resources.

Fredericksburg School District has initiated steps to ensure ongoing compliance with program deadlines and program rules and realizes the importance of strict adherence to such rules.

Respectfully submitted on this 23rd day of May, 2008.

*Theresa Schulz*

Theresa Schulz  
Business Manager/Board Secretary  
Fredericksburg School District

401 East High Street, PO Box 337,  
Fredericksburg, IA 50630  
(563)237-5364

*2 attachments*



Universal Service Administrative Company

Schools and Libraries Division

**FUNDING YEAR 2008 FORM 471  
POSTMARKED OUTSIDE OF WINDOW**

May 7, 2008

Theresa Schulz  
FREDERICKSBURG COMM SCH DIST  
401 E HIGH ST  
FREDERICKSBURG, IA 50630

Re: Applicant's Form Identifier: 2008 471/YR 11  
Form 471 Application Number: 614351

Dear Theresa Schulz:

We're sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 02/08/2008, which is AFTER the Funding Year 2008-2009 filing window closed at 11:59 p.m. EST on Thursday, February 7, 2008.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at [www.usac.org/sl](http://www.usac.org/sl) once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of pending applications, about funding for applications filed after the close of the filing window or about plans for future Funding Years, please visit our website or call the Client Service Bureau at 1-888-203-8100.

**TO APPEAL THIS DECISION:**

If you wish to appeal a decision indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
  - Appellant name,
  - Applicant or service provider name,
  - BEN,
  - Application number 614351 as assigned by USAC,
  - "Funding Year 2008 Form 471 Postmarked Outside of Window Letter,"AND:
  - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2008-2009**

May 28, 2008

Theresa Schulz  
Fredericksburg Community School District  
401 East High Street  
P. O. Box 337  
Fredericksburg, IA 50630

Re: Applicant Name: FREDERICKSBURG COMM SCH DIST  
Billed Entity Number: 132162  
Form 471 Application Number: 614351  
Funding Request Number(s): 1764114, 1764123, 1764125, 1764129  
Your Correspondence Received: May 23, 2008

The Universal Service Administrative Company (USAC) received your request for a waiver of the Application Filing Deadline for Funding Year 2008 of the Schools and Libraries Universal Service Support Mechanism.

Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company